

Chapter 5.40

EMPLOYMENT OFFICES

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5.40.010 Employment agent defined— License required.

A. It is unlawful to open, establish or operate within the city any employment office for the purpose of procuring or obtaining, for money or other valuable consideration, either directly or indirectly, any work, employment or occupation for persons seeking the same, or otherwise to engage in the business, or in any way to act as a broker or go-between for employers and persons seeking work, without first having obtained a license to do so.

B. Any person performing any of the foregoing enumerated services shall be deemed to be an "employment agent" within the meaning hereof.

5.40.020 Exemptions.

Nothing in this section shall be construed to require any religious or charitable association that may assist in procuring employment for persons seeking the same, or the State Labor Commission, to obtain a license to do so.

5.40.030 License—Fee.

All persons required to have a license under this chapter shall pay to the city an annual license fee as specified in the consolidated fee schedule.

5.40.040 License—Application—State license required.

Any person applying for a license under the provisions hereof shall make application to and pay the fee to the license official, and shall also file with the application a duplicate copy of the license issued to such person by the State Labor Commission. No license shall be issued by the city until the state license has been granted and a copy of the same filed with the license official.

5.40.050 License—Bond.

Each applicant for license under this chapter shall file with the city a cash bond or irrevocable letter of credit in a sum as specified in the consolidated fee schedule, to be approved by the city attorney. Each such bond shall be a cash bond or a surety bond acceptable to the city; shall be made payable to the city; shall be conditioned that the person applying for the license will comply with all laws and ordinances regulating employment agencies and all lawful requirements made by the State Labor Commission; and shall pay all damages occasioned to any person by reason of any misstatement, misrepresentation, fraud

or deceit of the licensed person, his agent or employee, or that may result from any other violation of law or ordinance in carrying on the business licensed hereunder.

5.40.060 License—Certificate to be displayed.

It shall be the duty of each person licensed under these provisions to keep his city license publicly exposed to view in a conspicuous place in his office or place of business.

5.40.070 Regulations to be posted.

The keeper of each employment office shall cause two copies of these provisions, printed in type of sufficient size to be legible and easily read, to be conspicuously posted in each room used or occupied for the purposes of such employment office.

5.40.080 Employer's register to be kept.

Each employment agent duly licensed as provided herein shall enter upon a register to be kept for that purpose, and to be known as an "employer's register," every order received from any person or entity desiring the service of any persons seeking work or employment, the name and the address of the prospective employer from whom such order was received, the number of persons wanted, nature of the work or employment, the town or city, street and number, if any, where the work or employment is to be furnished, and the wages to be paid.

5.40.090 Labor applicants' register to be kept.

A. Each employment agent shall keep a register, to be known as "labor applicants' register," which shall show:

1. The name of each person to whom information or assistance is furnished, as is described in section 5.40.100 and the amount of commission received in each case therefor;
2. The name of each person who, having received and paid for, as herein contemplated,

information or assistance such as is described in section 5.40.100 fails to secure the employment regarding which such information or assistance is furnished, together with the reason why employment was not secured by that person; and

3. The name of each person to whom return is made in accordance with these provisions, together with the amount of money or the value of consideration returned.

B. The registers required by these provisions shall be open at all reasonable hours to the inspection of any member of the police department or agent of the State Labor Commission.

5.40.100 Order for work—Required—Contents.

A. It is unlawful for any employment agent, by himself, agent or employee, to furnish any workman to any employer of labor without having a *bona fide* order for the same from the employer, and without having secured from the employer the following information:

1. The name of the prospective employer;
2. The place of employment;
3. The kind of labor to be performed;
4. The wages to be paid;
5. The length of time of employment, if definite, or if not definite, so stated;
6. The date of paydays, whether weekly, semimonthly or monthly;
7. The eating and sleeping accommodations and cost thereof, whether such accommodations are conducted by the employer or by others under contract, or other arrangements;
8. The cost of transportation to the place of employment, and whether or not the same is advanced by the employer, definitely stating the terms and conditions under which the same are to be repaid;
9. Where and to whom the employee is to report;
10. Any information that will give the

employee a full and comprehensive knowledge of the conditions under which he will be expected to work; and

11. Whether or not a strike or lockout is in progress among the employees of the employer.

B. The above information shall be set out in detail on a ticket, the form of which may be prescribed by the State Labor Commission, and which ticket, when issued to workmen or prospective employees, shall be signed by the employment agent issuing the same and by the prospective employee receiving the same.

C. One copy of such ticket shall be retained by the prospective employee and one delivered by him to the employer, and a full copy of the same shall be retained by the employment agent.

D. The ticket shall also show the amount of commission or fee paid by the employee.

5.40.110 Payments—Before assistance is furnished prohibited.

It is unlawful for any employment agent to receive, directly or indirectly, any money or other valuable consideration from any person seeking employment for any information or assistance furnished or to be furnished by the agent to such person enabling or tending to enable the person to secure employment, prior to the time the information or assistance is actually furnished.

5.40.120 Payments—When to be returned to applicant.

It is unlawful for any employment agent to retain, directly or indirectly, any money or any other valuable consideration received for any information or assistance described in section 5.40.100 if the person for whom the information or assistance is furnished fails, through no neglect or delay of his own, to secure the employment regarding which the information or assistance is furnished; the money or consideration shall be forthwith returned by the agent to the payer upon

demand therefor by the payer or his agent.

5.40.130 Payments—Limitations generally.

It is unlawful for any employment agent to receive as commission, directly or indirectly, for any information or assistance described in section 5.40.100 any money or other consideration that is in excess of twenty-five percent of the amount actually earned in the employment during the first 30 days if such employment was ended during a 30-day period.

5.40.140 Payments—Dividing with employers prohibited.

It is unlawful for any employment agent sending out help to contractors or other employers of labor to divide the fees collected from any workman, or to pay any part of the fee to the employer to whom such labor is sent, or any foreman or other person in the employ of such employer.

5.40.150 Sending workers to certain places prohibited.

It is unlawful for any employment agent, by himself, agent or employee, knowingly to send any help to any house of assignation or to any other house or place kept for immoral purposes.

5.40.160 Claims and suits against employment agents.

All claims or suits brought in any court against any employment agent may be brought in the name of the party injured upon bond deposited with the city by the employment agent, as provided herein.

5.40.170 License—Revocation conditions.

The manager may revoke any license upon proof of violation of any provisions of this section, or for any other good and sufficient cause including, but not limited to, a recommendation by the State Labor

Commission that the license should be revoked, after notice to the licensee and opportunity to be heard before the manager.